

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

DAWIT ZEKARIAS AWALE,

Petitioner

vs.

MARY SABOL, et al.,

Respondents.

:
:
:
:
:
:
:
:
:
:
:

CIVIL NO. 3:CV-10-1008

(Judge Caputo)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Presently before the Court is Dawit Awale's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging his continued detention by Immigration and Customs Enforcement (ICE). On February 9, 2011, the Court was informed that Mr. Awale is not presently in ICE custody. Respondents submit an affidavit of Kent Frederick, Chief Counsel for the Philadelphia Office of U.S. ICE, U.S. Department of Homeland Security, stating that on February 8, 2010, Mr. Awale was released from ICE custody on two writs to Cumberland County, Pennsylvania, to face additional pending criminal charges. See Doc. 14, Status Report and Doc. 14-1, Frederick Decl.

"A petition for habeas relief generally becomes moot when a prisoner is released from custody before the court has addressed the merits of the petition." *DeFoy v. McCullough*, 393 F.3d 439, 441 (3d Cir. 2005). As Mr. Awale is not currently being held by ICE pursuant his removal order but instead he is held under the custody of the Cumberland County, Pennsylvania officials in connection with his pending criminal

proceedings in that jurisdiction, his present habeas petition challenging his ICE detention is moot.

**ACCORDINGLY, THIS 14th DAY OF FEBRUARY, 2011, IT IS HEREBY
ORDERED THAT:**

1. Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is dismissed as moot.
2. The Clerk of Court shall close this file.

**/s/ A. Richard Caputo
A. RICHARD CAPUTO
United States District Judge**